

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 KIEV 001039

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [PHUM](#)

SUBJECT: UKRAINE: CENTRAL ELECTION COMMISSION CHAIRMAN ON
ELECTION PREPARATIONS 10 DAYS BEFORE E-DAY

(U) Sensitive but unclassified, please handle accordingly.
Not for internet distribution.

1. (SBU) Summary: Central Election Commission (CEC) Chairman Yaroslav Davydovych told Charge March 16 that Ukrainian authorities were working hard to address the organizational concerns that have arisen regarding the administration of March 26 elections, specifically staffing of polling station commissions (PSCs) and voters lists. Even though election day would not be perfect, he predicted that the election would still culminate Ukraine's most successful election cycle ever, without grounds to question its legitimacy. He said that issues about organization had been inevitable due to the sloppiness of the election laws, which were hastily written and adopted as part of the "grand compromise" packet of legislation including constitutional reforms passed December 8, 2004, as well as the lack of a national registry upon which to base voters lists. Davydovych said that ironically, the greatest number of the 541 non-functioning PSCs as of March 15 were in Kyiv oblast; election laws gave PSC commissioners the authority to issue ballots to voters even if there were a slight mistake in transliterated names (Russian to Ukrainian). Davydovych credited lead opposition party Regions with being the most organized party. However, he criticized Regions' conscious strategy to politicize procedural shortcomings by alleging that the problems reflected an intentional strategy of parties in power to create problems on election day. Davydovych predicted that the "general trends" in results of voting for the Rada would be clear by late March 27, but that official final results would take several more days to compile. End summary.

Problems exist, but being addressed

2. (SBU) Charge met with CEC Chair Davydovych March 16 to discuss reported concerns about organization of the elections, specifically inadequate PSC staffing and voter list inaccuracies (refs A-B). Referencing the frequent meetings held in the 2004 election cycle, Davydovych said that the very fact that they had not met until ten days prior to March 26 was an indication that the 2006 campaign was going much more smoothly. Charge noted the excellent cooperation the Embassy and CEC enjoyed and underlined our support of Davydovych's efforts to hold the freest and fairest elections in Ukraine's history while demonstrating Ukraine could hold elections unmarred by administrative resource abuses.

3. (SBU) Davydovych admitted the 2006 elections would not be perfect. He noted that this election cycle would be the first time in Ukraine's 15 years of independence that it would conduct elections on a fully proportional representation basis. That novelty created certain complications. Furthermore, the laws on elections to the Verkhovna Rada (national parliament) and to local bodies/positions had been passed as part of a large package in December 2004 that included constitutional changes as part of the grand compromise to allow the 2004 presidential elections to be re-run. As a result, MPs' attention to the details of the initial legislation had not been sufficient to properly scrub the drafts. The Rada had subsequently amended the election laws several times to address concerns as they emerged, most recently March 14. Davydovych emphasized that even without the March 14 technical amendments to improve the administration of the March 26 elections, the legality and legitimacy of the elections should not have been under question. The amendments simply made the organization and administration of the electoral process easier.

PSC Formation

4. (SBU) Davydovych said that it was difficult to pinpoint how many PSCs were non-functioning due to inadequate staffing, since the number fluctuated daily as some PSCs started working and others suffered from commissioners quitting. As of March 15, he claimed that only 541 out of 34,000 PSCs were not functioning; much to the CEC's surprise, the biggest problem seemed to be in Kyiv Oblast, with 75 of 157 PSCs in and around Boryspil not properly staffed and 67 in Brovary not staffed. In Donetsk Oblast, there were

problems in some towns, surprising since the CEC had expected parties to be able to muster representatives there (in comparison with more rural areas).

15. (SBU) Bill 9222, which passed March 14, permitted the appointment of additional commissioners up to the median level, allieviating the pressure on PSCs in which only the minimum number for a quorum were working. Davydyoch cited two contributing factors to the staffing shortfall: the inability of political forces to fully staff all PSCs due to a lack of regional structures/personnel throughout the country; and the simultaneous balloting for local elections, stripping off many experienced commissioners who were running for local office/councils and thus could not serve as commissioners. Full staffing of PSCs would be the focus of a nationwide conference call Davydyovych would conduct at 1200 hours March 16 with all 225 District Election Commissions (DECs).

16. (SBU) Davydyovych said that he hoped the Rada would learn a lesson from this election cycle and subsequently alter the law so that in the next cycle, the responsibility for staffing committees would not only fall on political parties but be shared with local administrative structures. The CEC, government structures, and parties should be acting as partners from the beginning to ensure the smooth administration of elections, he stated.

Voter Lists

17. (SBU) Davydyovych downplayed the scope and significance of the voter list problem. While acknowledging problems existed, he emphasized that this was not a result of ill will. Improvements to the voter lists was now the top priority of PSCs. Regarding transliteration concerns, he stated that the law allowed PSC commissioners to issue ballots to voters whose name on the voter list and on identity documents differed slightly. Regarding the "dead souls" issue, a noted phenomenon on the 2004 voter lists, Davydyovych said that 800,000 names on the roles for the December 26, 2004 revote had been removed for the 2006 cycle.

18. (SBU) The real issue regarding voter list improvements, asserted Davydyovych, was the lack of a national registry of Ukrainians. Since Ukrainian law did not require registry of all people, there was no unified data registry from which to draw an authoritative, up-to-date voter list. Until such a registry was established, there would always be voter list concerns, unfortunately.

Regions playing politics, but conducting themselves better

19. (SBU) Davydyovych stated that the challenge of improving voter lists was complicated by the use of the issue as an election-related tactic by opposition parties. Regions in particular was claiming that the lists were imperfect due to the purposeful intent of those in power to deny some Ukrainians the right to vote. Davydyovych predicted that even if the numbers of affected voters come election day were small, Regions would attempt to claim the discrepancies were on a far more massive scale in an attempt to compromise the government and potentially to question the legitimacy of the results. The end-game of the campaign seem to have gotten away from a debate about socio-political-economic issues, he mused, reduced instead to complaints about the organization and administration of the elections.

110. (SBU) That said, Davydyovych gave Regions credit for being the best organized party in terms of staffing PSCs throughout most of Ukraine -- with the exception of areas in the west where the party simply had no support or personnel, for submitting the most documents, and for being the subject of the least number of complaints about violations.

111. (U) Visit Embassy Kiev's classified website at:
www.state.gov/p/eur/kiev.
Gwaltney